

**MINUTES OF THE CITY PLANNING COMMISSION  
J. MARTIN GRIESEL ROOM**

**August 23, 2002  
9:00 AM**

**Present:** Appointed Members: Caleb Faux, Terry Hankner, Donald Mooney, Pete Witte; Administration: Water Works Director David Rager; City Planning Staff: Steven Kurtz, Administrator, Land Use Management

The meeting was called to order by Chairman Don Mooney.

**MINUTES**

The minutes of the July 26, 2002, City Planning Commission (CPC) meeting were presented for consideration.

**Motion:** Ms. Hankner moved approval of the minutes, as presented.

**Second:** Mr. Rager

**Vote:** All ayes (4-0).

**CONSENT ITEMS**

**Plat of Dedication for Herron Avenue in South Cummins ville**

B.L. Payne and Associates, Inc., on behalf of Working in Neighborhoods, Inc., the owner and developer, submitted the Plat of Dedication for Herron Avenue as a part of the Herron Heritage Homes Subdivision. The plat dedicates a 50-foot right-of-way for Heron Avenue and an adjoining 10-foot utility easement on both sides of the right-of-way. The Plat of Dedication Plan has been reviewed and approved by all reviewing agencies. Once the right-of-way is dedicated, the streets will be constructed according to the approved Subdivision Improvement Plans. In addition, the developer will be eligible for financial assistance for infrastructure through the Department of Community Development.

**Plat of Subdivision for Cleinview Townhomes Subdivision located on Cleinview Avenue in East Walnut Hills**

The subdivision site is .06046 acres in size and is located on the east side of Cleinview Avenue, 100 feet south of William H. Taft Road. The property is in the R-4 Multi-Family Zone District that requires row house lots with exterior lots measuring 3,000 square feet and interior lots measuring 2,500 square feet. The Plat of Subdivision illustrates seven lots: Lot 1, an exterior lot, has 37.36 feet of frontage on Cleinview Avenue allowing for a sanitary sewer and driveway access easements along the northern property boundary. Lots 2 through 6 are interior lots with 17.28

feet of frontage on Cleinview Avenue. Lot 7 is an exterior lot with 22.99 feet of frontage on Cleinview Avenue. The plat delineates a stormwater detention easement area across the middle portions of Lots 2 through 6.

**Motion:** Ms. Hankner moved approval of the consent items.

**Second:** Mr. Witte

**Vote:** Motion carried; 4-0.

**EXTRAORDINARY EXTENSION OF INTERIM DEVELOPMENT CONTROL DISTRICT NO. 58 IN THE VICINITY OF SEMINARY RIDGE SUBDIVISION (GRANDVIEW SITE) IN EAST PRICE HILL**

Action requested: 1. Approve the staff report as documentation required under Section 1457-207 of the Cincinnati Zoning Code as findings for the extraordinary extension of Interim Development Control District No. 58, Seminary Square Eco-Village to March 26, 2003. 2. Approve the extension of Interim Development Control District No. 58 to March 26, 2003.

Senior City Planner Steve Briggs presented the staff report proposing the extraordinary extension of Interim Development Control District No. 58 for a period of six months, explaining that the subject IDC is due to expire on September 26, 2002. The community is supporting this extension to forestall any new development by CMHA who has plans to develop the former Grandview site with 47 units of multi-family housing, which the current zoning allows. The six-month extension would allow the new zoning code to be in place, which proposes the development of new Small Lot Single-Family Districts, requiring a minimum lot size of 2,000 square feet that could be used on this property. Mr. Kurtz interjected the development of these small lot districts in the new code was the justification used in establishing the IDC district.

Mr. Witte questioned what steps CMHA would have to take if they proceeded with a Planned Unit Development under the IDC. Mr. Briggs explained that if CMHA developed a project that was consistent with the proposed small lot district, they would have to submit a plan to be reviewed by the director of City Planning and the City Planning Commission would have to review all building permits.

**Motion:** Ms. Hankner moved approval of the actions requested, as listed above.

**Second:** Mr. Rager

**Vote:** Motion carried; 4-0.

**AMENDMENT TO THE RESOLUTION OF COOPERATION OF THE HAMILTON COUNTY REGIONAL PLANNING COMMISSION AND PLANNING PARTNERSHIP**

Actions requested: Approve the amendment to Section VII of the Resolution of Cooperation (which re-established the Hamilton County Regional Planning Commission and established the Planning Partnership).

The proposed amendment modifies the formula for calculating annual fees for Jurisdiction Members of the Hamilton County Regional Planning Commission and Planning Partnership. The amended formula would place a 35-cent per capita cap on the annual fee for all jurisdiction members, which would be adjusted annually based on the rate of inflation.

The purpose of the amendment is in response to jurisdiction members who are currently paying annual fees that appear high when calculated based solely on population. It is also in response to the various townships and municipalities that have not joined the Planning Partnership due to their concerns regarding possible inequities in the current fee schedule.

Mr. Kurtz clarified that the amendment as proposed puts a cap on the amount collected from all municipalities, benefiting many smaller municipalities, and that it will not impact the City of Cincinnati.

**Motion:** Ms. Hankner moved approval of the amendment to Section VII of the Resolution of Cooperation.  
**Second:** Mr. Witte  
**Vote:** Motion carried; 4-0.

-- Mr. Faux entered the meeting. --

#### **VERBAL UPDATE OF COMMUNICATION TOWER IN MT. AIRY**

Mr. Kurtz informed the Commission that the County and City are interested in building a 300' lattice-type communication tower in the Mt. Airy business district as part of an 800 MHz emergency broadcast communication system. A notwithstanding ordinance (NWO) has been proposed to be presented to the Commission because a B-3 zone is required to construct a 300' lattice-type tower. Ms. Blume, Director of City Planning has indicated that she is uncomfortable with bringing a NWO to the Planning Commission in that passage of the ordinance would violate the zoning code. Further, a NWO does not represent an amendment to the zoning code and should be acted on by City Council as it is their prerogative to do so.

The Planning Department believed it was more appropriate to put the proper zoning in place. To that end, a staff conference was held. While the community recognizes a need for the tower, and were somewhat accepting of it, they were adamantly opposed to a change in zoning. They also reminded staff that the district was

recently changed from B-4 to B-2 when the EQ Urban Design district was established.

A whereas clause was put in the ordinance which says that the Planning Commission believes it is the prerogative of City Council to ultimately approve a NWO and therefore has taken no action on it.

Mr. Mooney suggested in lieu of a NWO which is specific as to location, an amendment to the zoning code could be passed that specifically addresses towers for police and fire use. The Planning Commission would be given the right to approve the location of a tower in a B-1 or B-2 zone in cases of public safety.

Mr. Kurtz stated he would present Assistant City Solicitor Ryder with the suggestion of the amendment. He added that due to time constraints, it is likely that the NWO will be presented to Council, but agreed that the amendment to the zoning code could prevent similar issues in the future.

### **ADDITIONAL ITEMS**

In response to Mr. Faux, who questioned why agendas are not posted on the City Planning Department's website, Mr. Kurtz stated future agendas will be posted on the website.

Mr. Witte questioned what has been done with the sign portion of the new zoning code. Mr. Kurtz explained that the chapter has been completely rewritten from what was distributed in the draft and is more restrictive and will be reviewed by the Commission in an upcoming meeting.

### **ADJOURNMENT**

With no further business to consider, the meeting was adjourned.

---

Steven Kurtz  
City Planning Department

---

Donald J. Mooney, Chairman  
City Planning Commission

Date: \_\_\_\_\_

Date: \_\_\_\_\_